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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 09/895,495	Applicant(s) BOLLAY, DENISON W.	
	Examiner Namrata Boveja	Art Unit 3622	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 August 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) 1,7 and 12 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 2-6,8-11 and 13-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 June 2001 and 18 September 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This Office Action is responsive to the RCE filed on 08/24/2007.
2. Claims 1, 7, and 12 have been cancelled. Claims 2-6, 8-11, and 13-20 are presented for examination.
3. Amendments to claims 2-4, 8, 9, 13, 16, and 20 have been entered and considered.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 2-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Boyd Patent Number 6,112,238 (hereinafter Boyd) in view of the Article titled "Computers Maps at Your Fingertips," by Lou Dolinar, published in Newsday on August 21, 1990 (hereinafter Dolinar), further in view of Blake et al Patent Number 5,752,264 (hereinafter Blake), and further in view of Streit et al. Patent Number 5,774,824 (hereinafter Streit).

In reference to claim 2, Boyd teaches for use with the Internet, a system comprising: a communication network *connected to the Internet*; an ad server; an information provider; and, an advertising display server; said ad server, information provider and advertising display server being connected to said communication network

(abstract, col. 2 lines 32-38, col. 3 lines 33-41 and lines 62-66, col. 4 lines 34-67, and Figure 1); said ad server having stored therein a visitor's IP address (col. 6 lines 35-36), and other visitor-related information (col. 4 lines 49-col. 5 lines 17 and Figures 3A and 4), said information provider having stored therein a visitor's geographical location (i.e. city and state information) (col. 5 lines 11-17, col. 6 lines 47-62, col. 7 lines 9-28, and Figures 3A and 4). Boyd also teaches the system wherein said advertising display server has stored therein a site-viewpoint *program* and an advertiser-viewpoint *program*, said advertiser-viewpoint program and said site-viewpoint program processing a *respective* data subset to display on a *private* web page as graphs (i.e. comprising of data) according to geographical locations of Internet visitors (col. 5 lines 11-25 and Figures 4 and 5). *Note that the limitation of processing a respective data subset to display can be read is simply being an intended use of the processed data, and no patentable weight needs to be given to the remainder of the limitation after the word subset. However, the Examiner has still proceeded to reject this limitation as well.*

Boyd does not teach the information provider storing the latitude and longitude coordinates of a visitor's geographical location. Dolinar teaches translating address information into coordinates of latitude and longitude (page 1 lines 1-5 and page 2 lines 25-29). It would have been obvious to a person of ordinary skill in the art at the time of the applicant's invention to include the use of latitude and longitude coordinates for indicating a visitor's geographical location to enable the advertisers to determine the precise locations and to establish trends among location data that can be leveraged in business opportunities. For example, if you have opened up a deli and want to send out

a flyer to people living within a 1 mile radius of the deli, you can plot the longitude and latitude coordinates of the deli on a map, and draw a 1 mile circle around it, and then the graphic information system will provide will give you the list of names and addresses within that circle that can be turned into mailing labels.

Boyd also does not teach said advertising display server having stored in two caches, data subsets separated from data collected from said ad server and said information provider, a first of said caches having stored therein a per-advertiser data subset, a second of said caches having stored therein a per-site data subset. Blake teaches storing data in two caches to save time by reducing the access required to the memory bus and to increase storage capacity by reducing redundancy (abstract and col. 3 lines 1-67). It would have been obvious to a person of ordinary skill in the art at the time of the applicant's invention to include the use of two caches for storing per-advertiser and per-site data subsets to enable the quick retrieval of information for the advertiser and the site manager, since they both may desire to view some different and some overlapping data. For example, a website administrator for GEindustrial.com may want to know how many new users signed up on the site and the number of hits received by a banner ad posted on the webpage. On the other hand, the advertiser, in this case a product group owner in GE, may want to know how many hits his banner ad received, which customer segment accessed the advertisement most frequently, how long did the user stay on the site, and how many hits turned into leads as determined by the user filling out an request for information form. So, the two parties in this case may want to gain access to some different and some overlapping information about the

users, and if that information is stored in two caches can be accessed quickly and can help reduce redundancy.

While Boyd teaches to display data and graphs on the web in HTML format (col. 5 lines 11-25 and Figures 4 and 5), Boyd does not specifically teach displaying this data and indicia on a map. Dolinar teaches translating address information into coordinates of latitude and longitude and plotting this information on a map (page 1 lines 1-5 and page 2 lines 25-29). It would have been obvious to a person of ordinary skill in the art at the time of the applicant's invention to plot the geographical information of a visitor's geographical location on a map and to display it on the web to enable the advertisers to determine the precise locations and to establish trends among location data that can be leveraged in business opportunities. For example, if you have opened up a deli and want to send out a flyer to people living within a 1 mile radius of the deli, you can plot the longitude and latitude coordinates of the deli on a map, and draw a 1 mile circle around it, and then the graphic information system will provide will give you the list of names and addresses within that circle that can be turned into mailing labels.

Boyd teaches feeding data subsets for display in response to a request from an advertiser administrator (col. 5 lines 11-25). Boyd does not teach selectively feeding data subsets from two different caches to the respective viewpoint programs. Blake teaches storing data in two caches to save time by reducing the access required to the memory bus and to increase storage capacity by reducing redundancy (abstract and col. 3 lines 1-67). It would have been obvious to a person of ordinary skill in the art at the time of the applicant's invention to include the use of two caches for storing per-

advertiser and per-site data subsets to enable the quick retrieval of information for the advertiser and the site manager, since they both may desire to view some different and some overlapping data. For example, a website administrator for GEindustrial.com may want to know how many new users signed up on the site and the number of hits received by a banner ad posted on the webpage. On the other hand, the advertiser, in this case a product group owner in GE, may want to know how many hits his banner ad received, which customer segment accessed the advertisement most frequently, how long did the user stay on the site, and how many hits turned into leads as determined by the user filling out an request for information form. So, the two parties in this case may want to gain access to some different and some overlapping information about the users, and if that information is stored in two caches can be accessed quickly and can help reduce redundancy.

Boyd also does not teach the display of the plotted information on a map in real-time. Streit teaches the display of the plotted information on a map in real-time (i.e. real time location and navigation information is displayed to assist the user while driving) (abstract, col. 1 lines 28-33, 40-42, and 61-63, col. 2 lines 9-12, 27-30, and 33-37, col. 8 lines 46-50 and 62-67, col. 4 lines 44-52, col. 7 lines 60-65, and Figures 8-10). It would have been obvious to a person of ordinary skill in the art at the time of the applicant's invention to plot the geographical information of a visitor's geographical location on a map and to display it on the web in real-time to enable the advertisers to determine the precise locations so that business opportunities can be presented to the users instantly to maximize the relevancy of the opportunities.

6. In reference to claim 3, Boyd teaches feeding data subsets for display (col. 5 lines 11-25). Boyd does not teach selectively feeding data subsets from two different caches. Blake teaches storing data in two caches to save time by reducing the access required to the memory bus and to increase storage capacity by reducing redundancy (abstract and col. 3 lines 1-67). It would have been obvious to a person of ordinary skill in the art at the time of the applicant's invention to include the use of two caches for storing per-advertiser and per-site data subsets to enable the quick retrieval of information for the advertiser and the site manager, since they both may desire to view some different and some overlapping data. For example, a website administrator for GEindustrial.com may want to know how many new users signed up on the site and the number of hits received by a banner ad posted on the webpage. On the other hand, the advertiser, in this case a product group owner in GE, may want to know how many hits his banner ad received, which customer segment accessed the advertisement most frequently, how long did the user stay on the site, and how many hits turned into leads as determined by the user filling out an request for information form. So, the two parties in this case may want to gain access to some different and some overlapping information about the users, and if that information is stored in two caches can be accessed quickly and can help reduce redundancy.

7. In reference to claim 4, Boyd teaches feeding data for the purpose of graphing the data (col. 5 lines 11-25). Boyd does not specifically teach including a mapping component in the fed data that displays each visitor's location on a map by plotting indicia at latitude/longitude coordinates on the map. Dolinar teaches translating

address information into coordinates of latitude and longitude and plotting this information on a map (page 1 lines 1-5 and page 2 lines 25-29). It would have been obvious to a person of ordinary skill in the art at the time of the applicant's invention to plot the geographical information of a visitor's geographical location on a map to enable the advertisers to determine the precise locations and to establish trends among location data that can be leveraged in business opportunities. For example, if you have opened up a deli and want to send out a flyer to people living within a 1 mile radius of the deli, you can plot the longitude and latitude coordinates of the deli on a map, and draw a 1 mile circle around it, and then the graphic information system will provide will give you the list of names and addresses within that circle that can be turned into mailing labels.

Boyd also does not teach the display of the plotted information on a map in real-time. Streit teaches the display of the plotted information on a map in real-time (i.e. real time location and navigation information is displayed to assist the user while driving) (abstract, col. 1 lines 28-33, 40-42, and 61-63, col. 2 lines 9-12, 27-30, and 33-37, col. 8 lines 46-50 and 62-67, col. 4 lines 44-52, col. 7 lines 60-65, and Figures 8-10). It would have been obvious to a person of ordinary skill in the art at the time of the applicant's invention to plot the geographical information of a visitor's geographical location on a map and to display it on the web in real-time to enable the advertisers to determine the precise locations so that business opportunities can be presented to the users instantly to maximize the relevancy of the opportunities.

8. In reference to claim 5, Boyd does not teach the system wherein a visual

characteristic of an indicium is changed in proportion to the number of Internet visitors from the same geographical location. Dolinar teaches translating address information into coordinates of latitude and longitude and plotting this information on a map (page 1 lines 1-5 and page 2 lines 25-29). It is inherent in Dolinar that a visual characteristic of an indicium (i.e. a dot on the map in this case) is changed in proportion to the number of Internet visitors, since an additional dot will be plotted for each additional visitor where the dots can overlap if the visitors are from the same geographical location. It would have been obvious to a person of ordinary skill in the art at the time of the applicant's invention to plot the geographical information of a visitor's geographical location on a map and to change characteristic of an indicium in proportion to the number of Internet visitors from the same geographical location to enable the advertisers to determine the precise locations and to establish trends among location data that can be leveraged in business opportunities. For example, if you have opened up a deli and want to send out a flyer to people living within a 1 mile radius of the deli, you can plot the longitude and latitude coordinates of the deli on a map, and draw a 1 mile circle around it, and then the graphic information system will provide will give you the list of names and addresses within that circle that can be turned into mailing labels and these people may be indicated by overlapping dots on the map to show that they live very close to each other (i.e. in a 1 mile radius).

9. In reference to claim 6, Boyd does not teach the system wherein, said indicium is a spot on the map that varies in at least one of color, size and intensity. Dolinar teaches translating address information into coordinates of latitude and longitude and plotting

this information on a map (page 1 lines 1-5 and page 2 lines 25-29) and drawing a circle on the map (i.e. a spot on the map) to show a 1-mile radius (page 2 lines 30-33). It is inherent in Dolinar that a circle drawn to indicate a 1-mile radius would be smaller than a circle drawn to indicate a 2-mile radius. It would have been obvious to a person of ordinary skill in the art at the time of the applicant's invention to plot the geographical information of a visitor's geographical location on a map and to use an indicium of variable size to enable the advertisers to determine the precise locations and to establish trends among location data that can be leveraged in business opportunities. For example, if you have opened up a deli and want to send out a flyer to people living within a 1 mile radius of the deli, you can plot the longitude and latitude coordinates of the deli on a map, and draw a 1 mile circle around it, and then the graphic information system will provide will give you the list of names and addresses within that circle that can be turned into mailing labels, and if you draw a 2 mile radius, the circle will appear larger on your screen and will probably include a larger list of names and addresses.

10. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Boyd in view of *Davis et al. Patent Number 6,269,361 (hereinafter Davis)*, further in view of the article titled, "*Leading Loyalty Marketing Company Chooses WebTrends for Accurate, Real-Time Reporting*," published in the *Business Wire* on November 3, 1999 on page 1 (*hereinafter WebTrends article*), and further in view of Official Notice.

In reference to claim 8, Boyd *does not* teach a method of processing information by computer over the Internet comprising steps of: a) storing collected data *including running totals of performance data*, which data includes *the price paid by an advertiser*

for an ad impression. Davis teaches a method of processing information by computer over the Internet comprising steps of storing collected data including running totals of performance data, which data includes the price paid by an advertiser for an ad impression (abstract, col. 3 lines 25-28, col. 4 lines 6-10, col. 19 lines 38-58, col. 20 lines 66 to col. 21 lines 65, and Figure 9). It would have been obvious to one of ordinary skill in the art at the time the invention was made to store collected data including running totals of performance data, which data includes the price paid by an advertiser for an ad impression to help an advertiser manage his budget for ad postings.

Boyd also does not teach b), separating said collected data *in real time* into two data subsets, a per-advertiser data subset, and a per-site data subset. Official Notice is taken that it is well known to separate collect data in two subsets such as per-advertiser and per-site data and to view this data separately on web pages *in real time* with the use of applets to enable the quick retrieval and display of information for the advertiser and the site manager, since they both may desire to view some different and some overlapping data. It would have been obvious to one of ordinary skill in the art at the time the invention was made to add the step for separating the data into two subsets and to view this data separately on web pages *in real time* with the use of applets to help the two interested parties access the data quickly and to enable the two parties to gain access to slightly different data. For example, a website administrator for GEindustrial.com may want to know how many new users signed up on the site and the number of hits received by a banner ad posted on the webpage. On the other hand, the advertiser, in this case a product group owner in GE, may want to know how many hits

his banner ad received, which customer segment accessed the advertisement most frequently, how long did the user stay on the site, and how many hits turned into leads as determined by the user filling out an request for information form. So, the two parties in this case may want to gain access to some different and some overlapping information about the users and may want to view this data graphically, and if that information is stored in two data sets, it can be accessed and displayed quickly *in real time by using a software package such as WebTrends.*

Boyd teaches c) transferring a data subset via a server, to a site-viewpoint program or an advertiser-viewpoint program, which programs process a data subset to display, on a web page as graphs according to geographical locations of Internet visitors on a computer screen (col. 5 lines 11-25 and Figures 4 and 5). While Boyd teaches to display data and graphs on the web in HTML format (col. 5 lines 11-25 and Figures 4 and 5), Boyd does not specifically teach displaying the data *in real time*. *The WebTrends article teaches displaying data in real time (page 1 paragraphs 1, 2, and 4 and page 2 paragraphs 6, 7, 9, and 11). It would have been obvious to a person of ordinary skill in the art at the time of the applicant's invention to displaying the data in real time to enable advertisers to make adjustments to their advertising campaigns based upon the success rate of their advertisements.*

Boyd also does not teach displaying on the computer screen, a price histogram of the number of ads served during a selected time interval, at a given price. Official Notice is taken that it is well known to plot a histogram using software such as Microsoft Excel to analyze financial results. It would have been obvious to one of ordinary skill in

the art at the time the invention was made to display a price histogram of the number of ads served during a selected time interval, at a given price to enable the advertiser to manage their advertisement inventory at a given time based upon the impact of price in that time frame so that the advertiser can figure out when to post advertisements to minimize his expenditure.

11. *Claims 9-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Boyd in view of Dolinar and further in view of Streit.*

In reference to claims 9, Boyd teaches *transferring to said site-viewpoint program and to said advertiser-viewpoint program data for the purpose of graphing the data* (col. 5 lines 11-25). Boyd does not specifically teach including a mapping component in the fed data that displays each visitor's location on a map by plotting indicia *in real time* at latitude/longitude coordinates on the map. Dolinar teaches translating address information into coordinates of latitude and longitude and plotting this information on a map (page 1 lines 1-5 and page 2 lines 25-29). It would have been obvious to a person of ordinary skill in the art at the time of the applicant's invention to plot the geographical information of a visitor's geographical location on a map to enable the advertisers to determine the precise locations and to establish trends among location data that can be leveraged in business opportunities. For example, if you have opened up a deli and want to send out a flyer to people living within a 1 mile radius of the deli, you can plot the longitude and latitude coordinates of the deli on a map, and draw a 1 mile circle around it, and then the graphic information system will provide will give you the list of names and addresses within that circle that can be turned into mailing labels.

Boyd also does not teach the display of the plotted information on a map in real-time. Streit teaches the display of the plotted information on a map in real-time (i.e. real time location and navigation information is displayed to assist the user while driving) (abstract, col. 1 lines 28-33, 40-42, and 61-63, col. 2 lines 9-12, 27-30, and 33-37, col. 8 lines 46-50 and 62-67, col. 4 lines 44-52, col. 7 lines 60-65, and Figures 8-10). It would have been obvious to a person of ordinary skill in the art at the time of the applicant's invention to plot the geographical information of a visitor's geographical location on a map and to display it on the web in real-time to enable the advertisers to determine the precise locations so that business opportunities can be presented to the users instantly to maximize the relevancy of the opportunities.

12. In reference to claim 10, Boyd does not teach the system wherein a visual characteristic of an indicium is changed in proportion to the number of Internet visitors from the same geographical location. Dolinar teaches translating address information into coordinates of latitude and longitude and plotting this information on a map (page 1 lines 1-5 and page 2 lines 25-29). It is inherent in Dolinar that a visual characteristic of an indicium (i.e. a dot on the map in this case) is changed in proportion to the number of Internet visitors, since an additional dot will be plotted for each additional visitor where the dots can overlap if the visitors are from the same geographical location. It would have been obvious to a person of ordinary skill in the art at the time of the applicant's invention to plot the geographical information of a visitor's geographical location on a map and to change characteristic of an indicium in proportion to the number of Internet visitors from the same geographical location to enable the advertisers to determine the

precise locations and to establish trends among location data that can be leveraged in business opportunities. For example, if you have opened up a deli and want to send out a flyer to people living within a 1 mile radius of the deli, you can plot the longitude and latitude coordinates of the deli on a map, and draw a 1 mile circle around it, and then the graphic information system will provide will give you the list of names and addresses within that circle that can be turned into mailing labels and these people may be indicated by overlapping dots on the map to show that they live very close to each other (i.e. in a 1 mile radius).

13. In reference to claim 11, Boyd does not teach the system wherein, said indicium is a spot on the map that varies in at least one of color, size and intensity. Dolinar teaches translating address information into coordinates of latitude and longitude and plotting this information on a map (page 1 lines 1-5 and page 2 lines 25-29) and drawing a circle on the map (i.e. a spot on the map) to show a 1-mile radius (page 2 lines 30-33). It is inherent in Dolinar that a circle drawn to indicate a 1-mile radius would be smaller than a circle drawn to indicate a 2-mile radius. It would have been obvious to a person of ordinary skill in the art at the time of the applicant's invention to plot the geographical information of a visitor's geographical location on a map and to use an indicium of variable size to enable the advertisers to determine the precise locations and to establish trends among location data that can be leveraged in business opportunities. For example, if you have opened up a deli and want to send out a flyer to people living within a 1 mile radius of the deli, you can plot the longitude and latitude coordinates of the deli on a map, and draw a 1 mile circle around it, and then the

graphic information system will provide will give you the list of names and addresses within that circle that can be turned into mailing labels, and if you draw a 2 mile radius, the circle will appear larger on your screen and will probably include a larger list of names and addresses.

14. In reference to claim 13, Boyd teaches for use on an Internet private web page accessible to a user, a method comprising steps of: a) receiving *over the Internet* user-specific data related to visitors of Internet web sites upon which ads have been placed on a public web page accessible to Internet Web page visitors, said ads having been placed in accordance with an ad campaign strategy of an advertiser (col. 5 lines 11-34, col. 6 lines 47-65, and col. 7 lines 9-23); said user-specific data consisting of ad impressions, IP addresses of visitors (col. 6 lines 35-36), and geographical data including locations of IP addresses of said visitors (col. 5 lines 11-17, col. 6 lines 47-65, col. 7 lines 9-23, and Figures 4 and 5).

While Boyd teaches to display data and graphs on the web in HTML format (col. 5 lines 11-25 and Figures 4 and 5 on a private webpage (since the reports that are developed for a company to show statistical information regarding its website visitors can be made in HTML format, and are developed for that company for use in its analysis, since they are not posted publicly to those outside that company), Boyd does not teach b) plotting indicia representing ad impressions for a site included in said user-specific data on a map on a said private web page *in real time*. Dolinar teaches translating address information into coordinates of latitude and longitude and plotting this information on a map (page 1 lines 1-5 and page 2 lines 25-29). It would have been

obvious to a person of ordinary skill in the art at the time of the applicant's invention to plot the geographical information of a visitor's geographical location on a map and to display it on a private webpage to enable the advertisers to determine the precise locations and to establish trends among location data that can be leveraged in business opportunities. For example, if you have opened up a deli and want to send out a flyer to people living within a 1 mile radius of the deli, you can plot the longitude and latitude coordinates of the deli on a map, and draw a 1 mile circle around it, and then the graphic information system will provide will give you the list of names and addresses within that circle that can be turned into mailing labels.

Boyd also does not teach the display of the plotted information on a map in real-time. Streit teaches the display of the plotted information on a map in real-time (i.e. real time location and navigation information is displayed to assist the user while driving) (abstract, col. 1 lines 28-33, 40-42, and 61-63, col. 2 lines 9-12, 27-30, and 33-37, col. 8 lines 46-50 and 62-67, col. 4 lines 44-52, col. 7 lines 60-65, and Figures 8-10). It would have been obvious to a person of ordinary skill in the art at the time of the applicant's invention to plot the geographical information of a visitor's geographical location on a map and to display it on the web in real-time to enable the advertisers to determine the precise locations so that business opportunities can be presented to the users instantly to maximize the relevancy of the opportunities.

15. In reference to claim 16, Boyd teaches a method comprising the steps of: a) receiving over the Internet enhanced data related to visitors of Internet web sites upon which ads have been placed on a public web page accessible to Internet visitors, said

ads having been placed in accordance with an ad campaign strategy of an advertiser (col. 5 lines 11-34, col. 6 lines 47-65, and col. 7 lines 9-23); said enhanced data consisting of ad impressions, IP addresses of visitors (col. 6 lines 35-36), and geographical data including locations of IP addresses of said visitors (col. 5 lines 11-17, col. 6 lines 47-65, col. 7 lines 9-23, and Figures 4 and 5); b) separating said enhanced data into user specific data (i.e. separating the data into different reports) (col. 5 lines 11-25); and, c) transferring said user-specific data and a user-viewpoint *program* to a private web page accessible to said user (col. 5 lines 11-25).

While Boyd teaches to display data and graphs on the web in HTML format (col. 5 lines 11-25 and Figures 4 and 5 on a private webpage (since the reports that are developed for a company to show statistical information regarding its website visitors can be made in HTML format, and are developed for that company for use in its analysis, since they are not posted publicly to those outside that company), Boyd does not teach said user-viewpoint *program* plotting *in real time* indicia representing ad impressions for a site included in said user-specific data on a map on said private web page. Dolinar teaches translating address information into coordinates of latitude and longitude and plotting this information on a map (page 1 lines 1-5 and page 2 lines 25-29) viewable on a webpage. It would have been obvious to a person of ordinary skill in the art at the time of the applicant's invention to plot the geographical information of a visitor's geographical location on a map and to display it on a private webpage to enable the advertisers to determine the precise locations and to establish trends among location data that can be leveraged in business opportunities. For example, if you have

opened up a deli and want to send out a flyer to people living within a 1 mile radius of the deli, you can plot the longitude and latitude coordinates of the deli on a map, and draw a 1 mile circle around it, and then the graphic information system will provide will give you the list of names and addresses within that circle that can be turned into mailing labels.

Boyd also does not teach the display of the plotted information on a map in real-time. Streit teaches the display of the plotted information on a map in real-time (i.e. real time location and navigation information is displayed to assist the user while driving) (abstract, col. 1 lines 28-33, 40-42, and 61-63, col. 2 lines 9-12, 27-30, and 33-37, col. 8 lines 46-50 and 62-67, col. 4 lines 44-52, col. 7 lines 60-65, and Figures 8-10). It would have been obvious to a person of ordinary skill in the art at the time of the applicant's invention to plot the geographical information of a visitor's geographical location on a map and to display it on the web in real-time to enable the advertisers to determine the precise locations so that business opportunities can be presented to the users instantly to maximize the relevancy of the opportunities.

16. *In reference to claims 14 and 17, Boyd does not teach the system wherein a visual characteristic of an indicium is changed in proportion to the number of Internet visitors from the same geographical location. Dolinar teaches translating address information into coordinates of latitude and longitude and plotting this information on a map (page 1 lines 1-5 and page 2 lines 25-29). It is inherent in Dolinar that a visual characteristic of an indicium (i.e. a dot on the map in this case) is changed in proportion to the number of Internet visitors, since an additional dot will be plotted for each*

additional visitor where the dots can overlap if the visitors are from the same geographical location. It would have been obvious to a person of ordinary skill in the art at the time of the applicant's invention to plot the geographical information of a visitor's geographical location on a map and to change characteristic of an indicium in proportion to the number of Internet visitors from the same geographical location to enable the advertisers to determine the precise locations and to establish trends among location data that can be leveraged in business opportunities. For example, if you have opened up a deli and want to send out a flyer to people living within a 1 mile radius of the deli, you can plot the longitude and latitude coordinates of the deli on a map, and draw a 1 mile circle around it, and then the graphic information system will provide will give you the list of names and addresses within that circle that can be turned into mailing labels and these people may be indicated by overlapping dots on the map to show that they live very close to each other (i.e. in a 1 mile radius).

17. *In reference to claims 15 and 18, Boyd does not teach the system wherein, said indicium is a spot on the map that varies in at least one of color, size and intensity. Dolinar teaches translating address information into coordinates of latitude and longitude and plotting this information on a map (page 1 lines 1-5 and page 2 lines 25-29) and drawing a circle on the map (i.e. a spot on the map) to show a 1-mile radius (page 2 lines 30-33). It is inherent in Dolinar that a circle drawn to indicate a 1-mile radius would be smaller than a circle drawn to indicate a 2-mile radius. It would have been obvious to a person of ordinary skill in the art at the time of the applicant's invention to plot the geographical information of a visitor's geographical location on a*

map and to use an indicium of variable size to enable the advertisers to determine the precise locations and to establish trends among location data that can be leveraged in business opportunities. For example, if you have opened up a deli and want to send out a flyer to people living within a 1 mile radius of the deli, you can plot the longitude and latitude coordinates of the deli on a map, and draw a 1 mile circle around it, and then the graphic information system will provide will give you the list of names and addresses within that circle that can be turned into mailing labels, and if you draw a 2 mile radius, the circle will appear larger on your screen and will probably include a larger list of names and addresses.

18. In reference to claim 19, Boyd teaches the method wherein said user-specific data are one of a site-specific data or an advertiser-specific data (col. 5 lines 11-17).

19. In reference to claim 20, Boyd teaches the method wherein said user-viewpoint program is one of a site-viewpoint program or an advertiser-viewpoint program (i.e. enables the viewing of user specific data in HTML format) (col. 5 lines 11-25).

Response to Arguments

20. Applicant's remarks/arguments filed on 08/24/2007 have been fully considered but are moot in view of the new ground(s) of rejection. Amendments to the claims have been entered and considered.

21. The previously made rejection under 35 USC § 101 has been removed in view of the amendments that were made by the Applicant.

22. *Summary of Applicant's Invention and References*

Applicant's invention relates to a method of displaying, in real-time, as a map and a series of graphs on a web page, information about visitors to web pages on the Internet, for the purpose of monitoring, in real-time, the geographical distribution of visitors viewing particular advertisements in cyberspace placed on web pages by a particular advertiser. Boyd teaches a method for analyzing traffic on the Internet and plotting this data for analysis purposes. Boyd does not teach plotting latitude and longitude coordinates as data points on a map. Dolinar teaches plotting latitude and longitude coordinates as data points on a map. While Boyd discusses displaying data for a given increment of time, neither Boyd nor Dolinar expressly state displaying latitude and longitude coordinates as data points on a map in real-time. Streit teaches the display of the plotted information on a map in real-time. Therefore, the combination of the references teach the Applicant's invention.

23. Applicant argues that, "there is no teaching in the references as to how one would know that a web page hit contains an ad that the advertiser place. This is the function of the ad server, which has the advertiser and ad, the site name etc." It is unclear what the Applicant is arguing here. It is interpreted to mean that the Applicant is saying that Boyd may be analyzing website hits and not necessarily which visitor to the website actually clicked on say a banner ad on the site. With regards to this argument, the Examiner does not see where such a limitation is recited in the claims. Limitations appearing in the specification but not recited in the claim are not read into the claim. *E-Pass Techs., Inc. v. 3Com Corp.*, 343 F.3d 1364, 1369 (Fed. Cir. 2003) (claims must be

interpreted "in view of the specification" without importing limitations from the specification into the claims unnecessarily).

24. Applicant argues that Boyd does not teach displaying the data collected on a map in real-time on a web page. With regards to this, first of all, the real-time limitation is an amendment. Therefore, this limitation has been addressed using the Streit reference above.

25. Applicant argues that Boyd doesn't teach the concept of having two caches or plotting data collected on a map. With regards to this and similar arguments, the Examiner would like to point out to the Applicant that one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references (**Boyd and Blake, and Boyd and Dolinar respectively**). See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986). It is the combination of these references that addresses the claim limitations, and therefore, each reference will not teach all the limitations on its own.

26. Applicant argues that there is no motivation to modify the method of Boyd to effectuate a method of displaying, in real-time on a web page, information about visitors to web pages on the Internet, for the purpose of monitoring, in real-time, the geographical distribution of visitors viewing advertisements in cyberspace. In order to satisfy this requirement, the Examiner must show that at least one of the references suggests that it is possible or desirable to modify the applied reference to achieve this result. In response to applicant's argument that the motivation to combine references

must come from the teachings of the prior art, the Examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, obviousness is established by knowledge generally available to one of ordinary skill in the art as further demonstrated by the Examiner with the user of the WebTrends article. Specifically, it would have been obvious to a person of ordinary skill in the art at the time of the applicant's invention to display the data in real time to enable advertisers to make adjustments to their advertising campaigns based upon the success rate of their advertisements. Boyd teaches displaying website analytics per a time slice, and WebTrends enables the displaying of website analytics in real time (page 1 paragraphs 1, 2, and 4 and page 2 paragraphs 6, 7, 9, and 11), so it would be easy to display the website analytics of Boyd in real time as well.

A claimed invention is unpatentable if the differences between it and the prior art are "such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art." 2235 U.S.C. § 103(a) (2000); *KSR Int'l v. Teleflex Inc.*, 127 S.Ct. 1727, 1734 (2007); *23Graham v. John Deere Co.*, 383 U.S. 1, 13-14 (1966).

In *Graham*, the Court held that that the obviousness analysis is bottomed on several basic factual inquiries: "[1)] the scope and content of the prior art are to be

determined; [(2)] differences between the prior art and the claims at issue are to be ascertained; and [(3)] the level of ordinary skill in the pertinent art resolved." 383 3U.S. at 17. See also KSR, 127 S.Ct. at 1734. "The combination of familiar elements according to known methods is likely to be obvious when it does no more than yield predictable results." KSR, at 1739.

"When a work is available in one field of endeavor, design incentives and other market forces can prompt variations of it, either in the same field or in a different one. If a person of ordinary skill in the art can implement a predictable variation, § 103 likely bars its patentability." Id. at 1740.

27. With respect to the Applicant's arguments that the Official Notice taken by the Examiner is essentially a restatement of the object of the Applicant's claimed invention as stated in the specification, the Examiner would like to point out to the Applicant has not presented arguments that the features are not well known. The Applicant's only argument has been, that the Examiner is relying on personal knowledge to supply elements of applicant's claims that were not shown or suggested by the references. This does not constitute a proper challenge to the Official Notice. Per the Applicant's citing of MPEP 2144.03, "A seasonable challenge constitutes a demand for evidence be made as soon as practicable during prosecution. Thus the applicant is charged with rebutting the well known statement in the next reply after the Office Action in which the well known statement was made." The Applicant has not submitted any rebuttal of the well known statements, but has merely requested references disclosing the well known limitations. In the paragraph in MPEP 2144.03 immediately preceding the above citing,

reference is made to *In re Ahlert*, 424 F.2d 1088, 1091, 165 USPQ 418, 420-421 (CCPA 1970) that "Furthermore, the applicant must be given the opportunity to challenge the correctness of such assertions and allegations." Again, the Applicant has not challenged the correctness of the assertions but rather only the use of Official Notice itself. Bald statements such as "the example given by the Examiner...is essentially a restatement of the object of the applicant's claimed invention", are not adequate and do not shift the burden to the examiner to provide evidence in support of the Official Notice. Allowing such statements to challenge Official Notice would effectively destroy any incentive on part of the Examiner to use it in the process of establishing a rejection of notoriously well known facts (*In re Boon*, 169 USP 231 (CCPA 1971)). Even if the Applicant is not familiar with GE Consumer and Industrial, this was just used as an example to support the Official Notice that is well known to separate data in sub sets where some of the data will overlap. Another example of this is a payroll system in a company where a leave clerk may have access to the employee's leave information and an human resource manager may have access to salary data for that same employee where both of them had overlapping access to data regarding the person's name, identification number, etc. This is done to restrict access of certain personnel from certain data.

28. Applicant argues the definition of an ad server as defined in the Applicant's specification. The Examiner is not sure what is the Applicant's purpose of providing this definition of the ad server in the Applicant's arguments, and while that may be the definition of an ad server, claim 2 for instance claims an ad server in a system claim as

a component of the system. If the Applicant is trying to claim the steps performed by an ad server, he would need to claim the steps in a method claim.

29. Applicant's additional remarks are addressed to new limitations in the claims and have been addressed in the rejection necessitated by the amendments.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Namrata (Pinky) Boveja whose telephone number is 571-272-8105. The examiner can normally be reached on Mon-Fri, 8:30 am to 5:00 pm.


If attempts to reach the examiner by telephone are unsuccessful, the Examiner's supervisor, Eric Stamber can be reached on 571-272-6724. The **FAX** number for the organization where this application or proceeding is assigned is **571-273-8300**.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 1866-217-9197 (toll-free).



NB

November 9th, 2007


RETTA YEHDEGA
PRIMARY EXAMINER